

Mr. Boyle PLI
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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

[Request for Reconsideration]

FILE: B-197776

DATE: August 22, 1980

MATTER OF: Data General--Reconsideration DLG04958

DIGEST:

Prior decision will not be reconsidered because request for reconsideration does not specify factual or legal grounds for modification or reversal.

Data General requests reconsideration of our decision in the matter of Data General, B-197776, July 21, 1980, 80-2 CPD _____, which denied Data General's protest contending that (1) one component of the awardee's system--the COBOL compiler--did not meet Government standards, making the entire system unacceptable, and (2) the Department of Health and Human Services (HHS) should not satisfy its network requirement by using the awardee's proprietary approach--centered around its network approach--rather HHS should use a more competitive approach.

Our prior decision concluded that where an agency's cognizant personnel were aware of the unapproved status of the compiler prior to the procurement action and deleted the compiler from the software requisition because it determined that its needs could be satisfied without the compiler, GAO had no basis to object to the award. Second, our decision concluded that since the protest--against HHS satisfying its network requirement by using the awardee's proprietary approach--was filed after the closing date for receipt of initial proposals it was untimely because under our Bid Protest Procedures, protests against alleged solicitation improprieties, as here, must be filed prior to the closing date for receipt of initial proposals. 4 C.F.R. § 20.2(b)(1) (1980).

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Data General requests reconsideration of the second aspect of the earlier decision based on the merits of the case rather than the issue of untimely filing.

Requests for reconsideration must contain a detailed statement of the factual and legal grounds upon which reversal or modification is deemed warranted, specifying any errors of law made or information not previously considered. 4 C.F.R. § 20.9(a) (1980). Data General has not advanced any additional facts or legal arguments which show that our earlier decision was erroneous and, therefore, we decline to reconsider our July 21, 1980, decision. Data Pathing Inc.--Reconsideration, B-188234, July 11, 1977, 77-2 CPD 14; Comspace Corporation--Reconsideration, B-196986.3, March 3, 1980, 80-1 CPD 168.

Henry R. Van Clava

For The Comptroller General
of the United States